

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|-----------------------------------|---|--------------------|
| IN RE: ASBESTOS PRODUCTS | : | Consolidated Under |
| LIABILITY LITIGATION (No. VI) | : | MDL DOCKET NO. 875 |
| | : | |
| This Order Relates to: | : | E.D. Pa. Case No. |
| | : | |
| AHNERT v. CBS CORP, et al. | : | 10-67443 |
| | : | |

ORDER

AND NOW, this **5th** day of **June, 2017**, upon consideration of Plaintiff's unopposed motion to suggest the remand of punitive damages (ECF No. 417), it is hereby **ORDERED** that the motion is **GRANTED** and the Court **SUGGESTS** that the issue of punitive damages, which had previously been retained by this Court, see (ECF No. 415), should be **REMANDED** to the United States District Court for the Eastern District of Wisconsin for resolution.¹

AND IT IS SO ORDERED.

/s/ Eduardo Robreno
EDUARDO C. ROBRENO, J.

¹ This Court has severed punitive damage claims in MDL-875 cases so that compensatory claims are given priority over exemplary punitive damage claims. See In re Collins, 233 F.3d 809, 810 (3d Cir. 2000). However, regarding this particular case (which involves a non-malignant disease claim), before the Court remanded the case to the Eastern District of Wisconsin, but after the Court stopped taking other asbestos cases from that district, Plaintiff filed a second asbestos claim (a malignant disease claim) in the Eastern District of Wisconsin.

On March 31, 2017, Judge Pepper of the Eastern District of Wisconsin consolidated the two cases. It appears that Judge Pepper is preparing to address the issue of punitive damages in the consolidated cases, however, her efforts may be hampered because this Court has retained the punitive damage claims in the non-malignant case. In order to prevent unnecessary costs and delay, and to avoid the possibility of inconsistent rulings, the Court concludes that it is appropriate to remand the non-malignant punitive damage claims so that they may be heard together with the claims in the malignancy case.